1:Stanford U. S-4, 5 1956 AF14 Central China AF14

colleges, only about half the students appeared to favor that choice. With each successively lower economic level, the preference was more overwhelmingly for selection on the basis of kinship.[7]

466
596

F. Effect on Social and Political Role

With the collapse of the imperial system in 1912, the family was no longer fitted to serve as the social and political training ground of China. The political parties and modern schools, particularly the colleges and universities, now began to train youth for the new political world which was coming into being after 1911. No comparable institutions existed to inculcate in youth a moral and ethical code that would serve as a common guide in the new society. Attempts by the Kuomintang leaders during the period of the National Government to restore filial piety along with a revised Confucian code to the service of an increasingly authoritarian-minded state met with failure among the nation's youth.[8]

596
867

IV. THE FAMILY UNDER COMMUNISM

A. The Marriage Law

In reconstructing Chinese society, the

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582

7. Ibid., pp. 186-89.

8. Mary C. Wright, "From Revolution to Restoration: The Transformation of Kuomintang Ideology," Far Eastern Quarterly, August, 1955, pp. 515-32.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

671
582

Communist regime has undertaken to change the nature and function of the family. The first step in this direction was the new Marriage Law promulgated in May 1950. It is one of the three legal pillars of the state. The other two -- the Labor Union Law and the Land Reform Law -- were announced at a later date but put into effect within a much shorter time and with greater immediate success.[9]

Essentially, the outward provisions of the Marriage Law are comparable to the laws affecting marriage and the family in the civil and penal code announced by the National Government in 1930 and 1931.[10] The basic features of the new law are summed up in its first three articles, which provide for:

> (1)...The abolition of arbitrary and compulsory marriage and the putting into effect of freedom of marriage for men and women.
> (2)...The abolition of the feudal system of marriage...based on the superiority of man over woman, and the putting into effect...of monogamy, and equal rights for both sexes.

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9. See comment by the American editors of Current Background, Hong Kong, American Consulate, 236, pp. 1-3; hereafter cited as C.B. Unless editorial comment is indicated, as here, citations from Current Background refer to literal translations of material in Communist magazines and newspapers, and should be evaluated accordingly.

10. See comment of American editors of C.B., 136, p. 3.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

(3)...The abolition of the feudal system of marriage, which neglects the interests of the children, and the putting into effect of the New Democratic system of marriage, which protects the lawful interests of women and children.[11]

In propagandizing and implementing the Marriage Law, the regime struck hard against the old authoritarianism of the family head, child marriages, mistreatment of women and discrimination against them as inferior to men, and the mistreatment of children by parents. Wives, especially wives of arranged marriages, were encouraged to seek divorce from intolerant, unrepentent husbands. However, if husbands could be made to adopt the new attitude toward women, partners of arranged marriages were urged to remain united.

To help traditionally-minded families attain the new Communist-established goal of "democracy" and "harmony," Family "struggle" meetings were arranged under cadre supervision. Each member was pressed to confess his own past sins and suffering and to help other family members to remember theirs. The particular transgressions sought out for exposure,

11. "Document 7," C.B., 236, pp. 22-29.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

property of their parents, but belong first of all to the state and to the people, and...the interests of the people should be the highest criterion governing our actions toward our parents."[13] 668 596

An editorial in the People's Daily in March 1955 notes that remnant feudal ideologies still obstructed "the participation of women in Socialist construction and various political activities." The editorial then goes on to state that it is in order to promote the political and production zeal of women that their rights must be promoted and protected and the Marriage Law implemented.[14] Various comments on the Marriage Law inspired by the regime stress Lenin's dictum that sex relationships and family problems are not individual or small affairs but matters of great social, economic, and political significance.[15] 668 562

B. Implementation of the Marriage Law

As the Nationalist Government had made no attempt to put into effect the marriage and family provisions of its 1930-31 codes among the rural population, the spirit and provisions of the Marriage Law were new and alien to the great 671 582

13. S.C.M.P., 973, p. 31.
14. Ibid., 106, p. 15.
15. See, for instance, C.B., 275, p. 4; and S.C.M.P., 1048, pp. 30-31.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

majority of the Chinese people. They were still bound to the traditional family and had not encountered the economic experience and education which had pushed the family in Western-influenced cities toward new types of social organization from the beginning of the twentieth century. Moreover, the new law offered no immediate or apparent economic benefits as had the Land Reform Law.

The result was apathy, when not open resistance, toward the reorientation of marriage and family practices among the farming population. These attitudes were as typical of most of the village cadres as of the rural people generally.[16] However, Liu Ching-fan's criticism in 1953 of the use of force by village cadres to achieve acceptance of tne new Marriage Law's provisions indicates that up to that time violence accompanied this measure as it had other measures in Communist China.[17]

The regime became aware only slowly of the failure of the Marriage Law to take automatic effect. A preliminary investigation gave such cause for concern that a thorough investigation was made at the end of 1952.[18] The results impelled the Communists to launch a drive for the thorough implementation of the Marriage Law and intensive indoctrination of the people in its

16. See comment of American editors of C.B., 136, pp. 3-4

17. C.B., 273, p. 4.

18. See comment of American editors of C.B., 136, pp. 3-4.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

principles. The movement was restricted to Han Chinese areas where land reform had been completed.[19] 671 582

Summing up the result of the campaign before the Government Administrative Council on November 11, 1953, Liu Ching-fan reported satisfactory indoctrination of 80 to 90 per cent of the adults in 15 per cent of the nation's hsien and municipalities where land reform had been completed and, to a somewhat lesser degree, 60 to 70 per cent of the people in 60 per cent of similar local areas. Almost no progress was indicated in the remaining 25 per cent of the localities.[20] Assuming the population in these areas to be roughly equal, these figures would mean that on an over-all basis even partial success was claimed for only 48 to 55.5 per cent of the population subjected to the indoctrination process.

C. The Communists' Vague Picture of Success

Unfortunately, we cannot judge how successful the regime has been in implementing the Marriage Law nationally or regionally. Communist evaluations are too generalized to reveal a

19. C.B., 273, p. 1.
20. Ibid., p. 3.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

definite picture, and statistics released by the regime are sketchy and, when available, rarely provide a basis for significant comparison. For instance, in the spring of 1955 the Ministry of Internal Affairs reported on the prevalence of free marriages during the first quarter of 1954, stating that of the 402,025 applications for marriage registration in 562 hsien and municipalities of 15 provinces, only 1.07 per cent were denied because the contemplated marriages had been forced or arranged without the willing consent of the couples concerned.[21] No figures were given on the remaining, roughly three-quarters of the country's hsien and municipalities, nor was any indication given to show whether the figures cited were typical of the whole country, the only figures available, or figures selected for purposes of propaganda. If the figures can be given credence, they indicate a remarkable advance over the situation existing two years earlier. After an investigation of Marriage Law implementation in 1952, a woman minister of justice, Shih Liang, reported that in only three of the country's 2,086 counties were families reformed up to perfect Communist standards, and that in the East and Central-South regions freely contracted marriages and other reforms had gained no acceptance with the people.[22]

21. S.C.M.P., 1002, p. 30.
22. China New Analysis, Hong Kong, No. 5, p. 3.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

A further study of figures issued by Communist sources indicates that the regime did not have exact knowledge of the situation in many areas. To cite one example, an announcement of the results of the 1952 investigation of Marriage Law implementation included "incomplete statistics" on deaths attributed to the existence of problems and mistreatment connected with the "feudal family" system. According to these figures, 4,105 women were killed or driven to suicide in the East China Region between January and August, 1952; and 356 women and 161 young men suffered the same fate in the Northwest Region during the first half of 1952. In lieu of figures for the Central-South Region, the report mentioned 606 young men and women met violent deaths as a result of marriage disputes in 39 hsien (out of a total of 86) in Hunan.[23]

It seems reasonable to assume that the figures are incomplete and the categories not comparable because the Communists had no more accurate material to offer. If the incidence of violence in connection with marital and family disputes is truly reflected in these figures, their extension into yearly rates shows these deaths occurred at the rate of less than two per hundred-thousand population in the Northwest Region, less than four per hundred-thousand in the East China Region, and less than nine per

23. C.B., 236, p. 5.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

Party cadres of corruption, extravagance with government funds, bureaucracy, violations of laws, and "independent" action counter to government policy. Among those accused were members of the Communist county branch, the head of the county, the chief of the commercial and artisan division, the chief of the cultural and educational division, a secretary of a district branch of the Chinese Communist Party, and a principal of a high school.[21]

V. THE NEW CONSTITUTION

An electoral law for the People's Congress on all levels was promulgated on March 1, 1953. Then followed the registration of voters, the choice of candidates, the institution of election campaigns, the elections, and the counting of ballots.

The meeting of the National People's Congress, which was scheduled for September 1954, was preceded by the election of deputies to the provincial, municipal, county, and hsiang People' congresses of a province, a county, and a municipality divided into districts shall be elected by the People's Congress on the next lower level.

21. Cheng Shao-wen, "Chung-nan-ch'u Ti-erh-tz'u Min-cheng Hui-i Shang- Kuan-yu Min-chu Chien-cheng Kung-tso Ti Pao-kao" ["Report on the Democratic Reconstruction Delivered before the Second Central-South China Civil Administration Conference"] , Ch'ang-chiang Jih-pao [Yangtze Daily] , Hankow, November 13, 1952, p. 3.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

692
666
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The effective use of People's tribunals as weapons of force was introduced after the judicial reform.[6] During the nationwide elections in 1953-54, People's tribunals were again widely used. Their main function was to suppress and punish violators and unqualified candidates and voters, including those citizens accused of counterrevolutionary activity. These tribunals worked in coordination with the election committees at all levels. As of February 1954, in thirty-six counties in Kiangsi Province, 75 tribunals were established in 312 hsiangs and towns.

692
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2. The Second Stage Numerous problems faced the judicial organs after the Communist seizure of power. At least two serious changes were contemplated by the Communists -- the elimination of the code system and the replacement of the Nationalist-trained judicial workers. But they were not completed until the judicial reform in 1952. With the exception of the complete abandonment of the Kuomintang code, the Liu-fa Ch'üan-shu[7] [The Compendium of the Six Codes], the Communists did not attempt to change the Kuomintang court system or to replace its judicial personnel. This was by no means an indication that the old system would be

692

6. Reports concerning this type of tribunal in People's Daily, Feb. 7, 1954, p. 3.

7. One edition of this work is Wu Ching-hsiung, Chung-hua Min-kuo Liu-fa Hui-pien, 6 vols., [The Compendium of the Six Codes of the Republic of China], Shanghai, Hui-wen T'ang, 1947.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

625

the reorganization of the police force was made. The police force was reorganized, as were the public security agencies, during the Three-Anti and Five-Anti campaigns and the judicial reform movement in 1952. The police should be distinguished from the security forces, which are a component part of the reform of the Chinese People's Liberation Army. Effective August 1955, as a result of the State Council Order, security forces at the level of the administrative district and county were organized into an armed police force to perform the same functions as the security forces.[33] According to a report from Formosa,[34] divisions and regiments of the security forces were deployed in provinces and administrative districts.

III. CRIMINAL CODES AND LAWS GOVERNING COUNTERREVOLUTIONARY ACTIVITIES

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Although the establishment of a criminal and civil code is assigned to the State Council Bureau of Codification, the former Commission on Codification under the Government Administration Council,

33. The only Communist report on security forces appeared in People's Daily, August 11, 1953, p. 1. Text of the State Council order in ibid., July 31, 1955.

34. Organizational Chart of the Communist Public Security and Intelligence Organizations, Taipei, 1953, (previously cited).

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

to date no report has been made by the committee. 671 • However, decrees and orders concerning counter-revolutionary activities have been issued by all levels of government.

A. Criminal Code

The decree[35] promulgated by the Chairman of the People's Republic of China in December 1954 explained the procedure for arrest and detention. 671 694 As a rule, arrests are not made unless they have first been approved by the People's court or by the People's procuratorates. When making arrests, public security agencies must first obtain a warrant from the People's Procuratorate. However, there are circumstances under which immediate arrests can be made. These exceptions, in fact, grant the security agencies more power than the decree would suggest. For example, persons who are unable to establish their identities or do not have a permanent place of residence are subject to immediate arrest. It is true that certain provisions in the decree guarantee each individual the right to demand a warrant, a minimum period of detention, and an early and rapid trial; nevertheless, at least two factors minimize the value to the individual of these provisions -- first, the arbitrary arrests made by the security agencies, and secondly, the exceptions allowed to facilitate the arrest of counterrevolutionaries.

35. People's Daily, Dec. 21, 1954, p. 1.

1:Stanford U. S-4, 5 1956 AF14 Central China AF14

671

Apart from those decrees relating to the punishment of counterrevolutionaries, which will be discussed below, other orders that may be singled out for discussion include the decree on the safekeeping of confidential information[36] and that which is implemented in cases involving the violation of laws concerning the national currency.[37] Since "confidential material" is loosely defined by the Communists, unlawful disclosure of any information can be regarded as a crime. "Confidential information" includes not only national security and military matters in the usual sense, but also any data relating to economic and financial affairs, transportation conditions, and matters of a judicial and legislative nature. In the same fashion, any violation of the laws on national currency committed with the intention of aiding counterrevolutionary activities is regarded as an act of counterrevolution and carries a severe penalty. Other laws[38] passed during the several drives and on various occasions generally are in the form of orders or regulations issued by administrative organs and bear full legal force.

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36. Yangtze Daily, June 11, 1951, p. 1.

37. Ibid., April 28, 1951, p. 4.

38. For the compilation of decrees of all types, consult Chung-yang Ts'ai-ching cheng-ts'e Fa-ling Hui-pien [Compendium of Laws and Regulations Concerning Financial and Economic Policies of the Central Government], Peking, Financial and Economic Committee of the Government Administration Council, 1952. Regulation on punishment of corruption issued at the time of Three-Anti Movement, People's Daily, Apr. 22, 1952, p.